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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

Enclosure

Report dated 10 September 1993 on the high-level technical talks
held in New York from 31 August to 9 September 1993

Introduction

1. From 31 August to 9 September 1993, high-level technical talks were held at United Nations Headquarters between delegations from the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), on the one hand, and, on the other, a delegation from Iraq. The UNSCOM delegation was led by Ambassador Rolf Ekéus, Executive Chairman of the Commission, the IAEA delegation by Professor Maurizio Zifferero, Action Team Leader under Security Council resolution 687 (1991), and the Iraqi delegation by General Amer Muhammad Rashid, Director of the Military Industrialization Corporation of Iraq. A complete list of the delegations is contained in an attachment. The present report sets out the background, organization and objectives of the talks. Annexes I, II and III relate respectively to outstanding issues in connection with prohibited programmes, ongoing monitoring and verification and reports by the Special Commission and IAEA under paragraph 22 of Security Council resolution 687 (1991). These annexes identify the issues discussed during the talks under the relevant headings and, where appropriate, the conclusions on those points. They can serve as a basis for further discussions and immediate steps to implement required measures to achieve the shared objectives.

Background

2. The talks were the outcome of a visit to Baghdad, from 15 to 19 July 1993, by the Executive Chairman of the Special Commission, in the course of which he had met the highest levels of the Iraqi Government. The Chairman's report to the Security Council on his visit was circulated to the Council in document S/26127 of 21 July 1993. That report set out position papers by the Government of Iraq and by the Executive Chairman, together with the latter's initial comments on the Iraqi paper. The report also contained conclusions that represented common understandings between the Commission and Iraq arrived at during the Chairman's visit.

3. These conclusions provided for "the Commission and Iraq to commence, as soon as possible, high-level technical talks in New York. ... Iraq and the Commission are agreed that a principal topic to be discussed will be the nature and implementation of the provisions of the plans for ongoing monitoring and verification as approved by Security Council resolution 715 (1991), as well as all other outstanding issues between Iraq and the Commission". This was to be done "with a view to resolving the aforesaid issues".

Organization

4. The high-level technical talks held in New York for the purposes indicated were organized to allow for plenary sessions, to define with greater clarity the

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principal matters for discussion, and for five specialized group meetings in respect of the nuclear, chemical, biological, missile and operational areas. Arrangements were also made for private meetings between the Executive Chairman and the head of the Iraqi delegation to deal with the political aspects arising out of certain of the technical matters and, together with the leader of the IAEA Action Team, to review the progress of the groups. Arrangements were made for the working groups to meet simultaneously. In all two plenary meetings and 36 group meetings were held.

Objectives

5. At the first plenary meeting, the head of the Iraqi delegation stressed that it was the objective of the delegation to resolve all outstanding matters with a view to the earliest possible implementation of paragraph 22 of Security Council resolution 687 (1991) regarding the lifting of the prohibitions against the import of commodities and products originating in Iraq and financial transactions related thereto. In the course of the talks, the Iraqi delegation would spell out in detail its concerns regarding ongoing monitoring and the application of the general provisions in the plans approved by Council resolution 715 (1991). The delegation asked that the other side take those concerns into consideration. For its part, the Iraqi delegation would hear the concerns of the Commission and of IAEA, in particular their specific and concrete identification of those issues which they considered to be outstanding in the implementation of section C of resolution 687 (1991). If some issues could not be resolved by 9 September, they should be taken up and resolved in talks at the highest levels in Baghdad in the first week of October. He continued to stress that objective throughout the talks.

6. The Executive Chairman of the Special Commission indicated that the Commission and IAEA shared the view of the Iraqi delegation that the principal objective of the talks was to arrive at a situation where the Commission and IAEA would be in a position to submit to the Security Council fully credible reports stating that, in their view, Iraq had met the requirements expressly relating to section C of resolution 687 (1991) laid down in paragraph 22 of that resolution. With that objective shared by both sides, it should be possible to bring the talks to a successful conclusion. The Commission and IAEA would identify outstanding issues in the implementation of section C of resolution 687 (1991). They would also explain in greater detail the manner in which the plans approved under resolution 715 (1991) would be implemented. In the course of such explanation the various concerns identified by Iraq would, as far as possible, be met. The Commission and IAEA would describe how they envisaged the implementation of the plans in circumstances when a normal atmosphere prevailed and a climate of confidence was developing. The key to implementation of the plans in as non-intrusive a manner as possible lay in transparency and cooperation as ongoing monitoring and verification got under way. The real answer thus lay in the practical implementation of the plans. The Commission and IAEA would also endeavour, in the course of the talks, to specify in greater detail the requirements that would have to be met for the Commission and IAEA to be in a position to report to the Council, under paragraph 22 of resolution 687 (1991), that in their view Iraq was in compliance with section C of resolution 687 (1991).

7. The leader of IAEA Action Team, commenting on the issues raised in the plenary session, stated that there was full identity of views between IAEA and the Special Commission on the nature and implementation of ongoing monitoring and verification. That identity was reflected in the similar language contained in document S/22872/Rev.1 (the IAEA plan) and document S/22871/Rev.1 (the Commission's plan). As to the main, still outstanding, issues concerning the identification and disposition of Iraq's nuclear programme prohibited by resolution 687 (1991), there were still a number of areas in the different elements of the programme where clarification and verification were needed. It was felt that the technical talks in New York might have helped in clarifying those grey areas. Great importance was also attached to the provision of information on the foreign suppliers of specific items used in the programme and to the identification of the source(s) that provided Iraq with technical advice.

8. During the initial plenary meeting, in the light of the shared objective, the talks centred around two principal issues. The first was the nature and implementation of ongoing monitoring and verification, in particular a detailed examination of the selection of sites for monitoring, the nature of such monitoring and its relation to international agreements in the field of disarmament, the frequency and duration of inspections, use of ground inspections, aerial surveillance, photography, sensors and other means of verification and its relation to Iraqi concerns regarding security, sovereignty and independence. The second issue related to outstanding matters arising in connection with the identification and disposal of Iraq's programmes prohibited by Security Council resolution 687 (1991), in particular, provision of the information remaining to be provided to the Commission and IAEA for them to have a comprehensive understanding of those programmes and provision of data on the foreign suppliers for those programmes. Those issues were further pursued in the working groups.

(Signed) Rolf EKÉUS
Executive Chairman of the
Special Commission

(Signed) Amer Muhammad RASHID
Head of the delegation of Iraq

(Signed) Maurizio ZIFFERERO
Leader, IAEA Action Team

Attachment

Delegation of Iraq

1. H. E. General Amer M. Rashid
Director, Military Industrialization Corporation (MIC)
2. H. E. Ambassador Nizar Hamdoon
Permanent Representative of Iraq to the United Nations
3. Abdul Halim Al-Hijaj
Vice Chairman, Iraqi Atomic Energy Commission (IAEC)
4. Hosam M. Amin
Expert (MIC)
5. Khaled E. Saeed
Expert (IAEC)
6. Sami R. T. Al-Araji
Expert (IAEC)
7. Ghazi Faisal Najm Al-Din
Expert (MIC)
8. Rihab R. T. Al-Azawi
Expert (MIC)
9. Alaa M. Abbas Al-Saeed
Expert (MIC)
10. Saad A. Makki
Expert (MIC)
11. Hamid K. Ibrahim
Expert (MIC)
12. Kamal A. Mohammed
Expert (MIC)
13. Basil A. Mohammed
Expert (MIC)
14. Said. H. Hasan Al-Musawi
Minister Plenipotentiary
Ministry for Foreign Affairs
15. Samir K. Al-Nima
Minister Plenipotentiary
Permanent Mission of Iraq to the United Nations

16. Abdul-Wahab A. Jassim
Second Secretary
Ministry for Foreign Affairs
17. Jasem A. Hassan
Administrative Assistant (MIC)

Delegations of the Special Commission and IAEA

Special Commission

Ambassador R. Ekéus
Mr. P. Corden
Mr. M. Saint Mleux
Mr. J. Santesson
Mr. J. Scott
Mr. T. Trevan
Mr. W. Eckert
Mr. N. Smidovich
Ms. R. Davies
Mr. P. Palanque
Mr. S. Ritter
Mr. M. Silver
Mr. R. Hill
Mr. H. Reeps
Mr. D. Dorn
Ms. L. Gerard
Mr. D. Kelley
Mr. P. Binder
Mr. V. Beck
Ms. K. Bresnahan
Mr. O. Ignatiev
Mr. F. Guir
Mr. R. Godfrey
Mr. J. Sarisky

IAEA

Professor M. Zifferero
Mr. R. Kelley
Mr. R. Hooper
Mr. B. Andemicael

Annex I

Outstanding issues

1. The working groups were instructed to conduct a thorough review of all issues outstanding in regard to the implementation of Security Council resolutions 687 (1991), section C, 707 (1991) and 715 (1991). In regard to resolution 687 (1991), the groups addressed, in particular, concerns identified by the Special Commission and IAEA relating to Iraq's implementation of paragraphs 8, 9, 11, 12 and 13 of that resolution. The groups were asked to resolve, as far as possible, the outstanding issues under those paragraphs and, where that could not be done during the current talks, to list the remaining issues relating to what was required of Iraq to bring it into compliance with the paragraphs. As regards paragraph 10 on ongoing monitoring and verification, the working groups addressed concerns raised by both sides. The results of that consideration will be found in annex II.

2. The paragraphs which follow set out a brief account of the remaining issues for compliance identified in the working groups except the group on operational issues, the outcome of its work being reflected in annexes II and III. The elaboration of these remaining issues is contained in the lists being delivered to the head of the delegation of Iraq separately under cover of a letter from the Executive Chairman of the Special Commission and for the nuclear part under cover of a letter from the Leader of IAEA UNSCR 687 Action Team. The head of the delegation of Iraq undertook that Iraq would make every endeavour to provide satisfactory answers to those issues at a further session of the high-level technical talks, possibly to be held in Baghdad in the first week of October 1993.

3. It was understood that, when Iraq addressed the issues in a satisfactory manner and information provided by it was independently verified where necessary, the Special Commission and IAEA would be in a position to conclude that Iraq had completed the actions necessary to bring it into compliance with paragraphs 8, 9, 11, 12 and 13 of resolution 687 (1991).

Chemical weapons-related issues

4. The working group dealing with chemical weapons held nine meetings and one joint meeting with the biological group. The chemical weapons group had an intensive discussion of issues based on information previously provided by Iraq pursuant to resolutions 687 (1991) and 715 (1991) and from other sources available to the Special Commission. As a result, some of the issues were resolved.

5. Other critical issues related to past programmes remain for further work and have been communicated to the Government of Iraq (see para. 2 above):

- (a) Production of chemical warfare agents;
- (b) Precursor chemicals;
- (c) Specific critical equipment suppliers;

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- (d) Weaponization of produced agents;
- (e) Suppliers of unfilled munitions;
- (f) Chemical weapons facilities.

With regard to point (f), the Iraqi side reaffirmed the non-existence of any other undeclared chemical weapons facilities.

6. On yet other questions, such as making available personnel for further discussion on the above issues, the representatives of Iraq agreed to respond positively in Baghdad.

7. The Commission representatives explained that, with regard to some of the critical issues referred to above, information in the possession of the Commission, including documentary evidence, was at variance with that provided so far by the representatives of Iraq, namely (a) the availability of precursors and their production and handling facilities; (b) relations with other countries in the offensive chemical weapons programme; and (c) the time at which the offensive chemical weapons programme was initiated. The Iraqi side reaffirms the credibility of the information given previously. However, it will study the contradictions raised by the Commission, when provided in documentary evidence form, and will provide explanations during the resumed talks.

Biological weapons-related issues

8. The working group dealing with biological weapons-related issues conducted a thorough review of all outstanding issues in the course of six meetings and one joint meeting with the chemical weapons-related group. The Commission representatives received a full account of the genesis, evolution and termination of the programme of research at the Section for Biological Research for Military Defence Purposes (BRMD) at the Technical Research Centre at Salman Pak. The critical issues on which further information from the Iraqi side was required were identified as the present location of inhalation chambers and aerosol generators not yet identified by the Commission but which are known to have been imported into Iraq. In addition, information is required by type, quantity, year since 1985, supplier and user of imports of toxins, micro-organisms in risk groups II-IV and complex media for the growth of these organisms.

9. The Commission is concerned about the extent of Iraq's biological weapons-related activities and, in particular, the possibility of such activities being conducted at facilities other than the Section for Biological Research for Military Defence Purposes. The Iraqi side strongly reaffirmed the non-existence at any stage of a biological weapons programme. Iraq also reaffirmed that the activities undertaken at the Section for Biological Research for Military Defence Purposes were as previously defined to the Commission, i.e. biological military defence research and development.

10. Iraq expressed concern at the general nature of certain of the prohibitions contained in the plans for ongoing monitoring and verification, in particular with regard to those contained in paragraphs 38 (c) and (d) of document S/22871/Rev.1 concerning the conduct of activities on diseases other than those

indigenous to Iraq or immediately expected to break out in its environment and concerning the breeding of vectors of human, animal and plant diseases. The Commission assured the Iraqi side that those concerns would be met by a routine and expeditious processing of all allowable requests from Iraq for exceptions to the general prohibitions contained in the plan.

Missile issues

11. The missile working group had eight meetings. It addressed the issues related to the plan for ongoing monitoring and verification and Iraq's prohibited missile programmes.

12. The discussion on missile programmes was focused on remaining issues, primarily related to Iraq's efforts to produce Al Hussein missiles and solid propulsion missiles. The information provided by the Iraqi experts, either voluntarily or in response to direct questioning, coincided with the information available to the Commission. The Iraqi side reiterated its position that it was not able to provide documentary evidence to support information given to the Commission. As a result of the meetings, a few issues still remain unresolved:

- (a) Information on specific foreign suppliers;
- (b) Equipment delivered or ordered for the project No. 1728;
- (c) The extent of possible foreign assistance in the project No. B2000.

Specific ways to address those unresolved issues were outlined.

13. The Iraqi experts expressed some concerns over the provisions of the plan for ongoing monitoring and verification, primarily related to declarations and inspections of military sites. Specific modalities for implementation of relevant provisions of the plan were identified. They deal with declarations, establishment of baseline data and inspections. The Commission experts presented an integrated concept of the practical implementation of the ongoing monitoring and verification in the missile area. Categories of facilities to be monitored, their numbers, frequency of inspections and other modalities for implementation were jointly examined.

Nuclear issues

14. IAEA is confident that the major elements of Iraq's nuclear weapons programme are understood and have been dismantled. The remaining issues for compliance with paragraphs 11, 12 and 13 of Security Council resolution 687 (1991) relate primarily to procurement.

15. A clear understanding of Iraqi procurements and the sources of technical advice for the nuclear programme has been a primary inspection objective since the beginning of inspections in Iraq under resolution 687 (1991). During IAEA-18, following a course well established through previous inspections, a broad range of questions dealing with Iraqi procurements were put to the Iraqi side. The Iraqi side's often stated response was that, with the destruction of records during and following the Gulf War, it had no way to deal with such a general request and, in addition, it believed that most of the requested

information was already in the hands of IAEA. It is true that, through inspection data collected in Iraq, investigations undertaken by Governments of Member States and interviews with personnel of specific companies, most of the manufacturers that, knowingly or unknowingly, supplied the Iraqi nuclear programme have been identified. Further, many of the front organizations and purchasing agents are also known.

16. Important remaining questions have been put to the Iraqi side a number of times. Since December 1992 these questions have been put forward in the context of an offer from the Chairman of the Iraqi Atomic Energy Commission (IAEC) to deal positively with specific questions. These questions are restated below:

(a) What are the identities of the individuals and/or companies from outside Iraq who supplied technical and design information for the Iraqi magnetic centrifuge?

(b) Who were the manufacturers, suppliers, agents and shippers for the 350-grade maraging steel? Please distinguish between the sources of the maraging steel used in the manufacture of centrifuge components outside Iraq and the stock of maraging steel presented inside Iraq. [The Iraqi side expressed concern that, while it can identify the supplier, it has no knowledge of who manufactured the maraging steel.]

(c) Who supplied the carbon fibre rotor tubes and how were technical specifications communicated to the manufacturer?

(d) Describe the activities undertaken by the H & H Company with respect to the Iraqi centrifuge enrichment programme.

(e) Identify the manufacturer and describe the procurement procedure for the HMX explosive declared by Iraq to have been intended for conventional armaments.

17. A number of questions have been dealt with in the course of the high-level technical talks in New York, between 31 August and 9 September 1993. It was agreed that two specific questions regarding the nuclear material will be dealt with during IAEA-22, planned for early November 1993.

Annex II

A. Ongoing monitoring and verification
by the Special Commission

1. During the plenary sessions of the high-level technical talks, the Executive Chairman of the Special Commission explained that the departure point was the position papers by Iraq and the Commission set out in document S/26127. Starting from Iraq's undertaking in paragraph 1 of its paper that it was "ready to comply with the provisions of the plans of ongoing monitoring and verification as contained in resolution 715 (1991)", and the Commission's undertakings in paragraphs 2 to 5 of its position paper, the two sides should clarify and flesh out those undertakings with a view to the creation of circumstances in which ongoing monitoring and verification could be initiated in a harmonious and cooperative manner.

2. The head of the Iraqi delegation and the Iraqi participants in the working groups gave a comprehensive and clear account of the concerns of Iraq in relation to ongoing monitoring and verification, in particular in the context of the security, sovereignty and independence of Iraq. Those concerns related both to the general provisions in the plans by the Commission and IAEA and in the annexes to those plans.

3. The Iraqi side stressed the need for the monitoring to be carried out in a non-intrusive manner and in accordance with the rules and methods adopted in relevant international agreements already in force, on the understanding that those agreements took over the functions of the plan as stated in paragraph 25 of document S/22614 approved by Security Council resolution 699 (1991). The delegation also stressed the importance it attached to the Commission and IAEA moving rapidly to the use of Iraqi air support, both fixed- and rotary-wing, for their operations in Iraq and also the employment of other Iraqi assets, with the participation of qualified Iraqi staff, for example in the development of photography and analysis of samples. Iraq could agree to the use of sensors both on the ground and in the air for monitoring purposes, but maintained its objection to the use of video cameras in aerial surveillance. Iraq also required that appropriate measures be established for continuous and close coordination, particularly with the Commission's facilities in Iraq. Where challenge inspections of newly designated sites were undertaken and where it was determined that no need had been established to add the sites to the list of facilities to be monitored, all records of the inspections and material gathered in their course should be destroyed.

4. The Executive Chairman stressed that it was the intention to implement the plans in the least intrusive manner consistent with effective monitoring and verification in the circumstances prevailing and with all due regard to the legitimate concerns of Iraq regarding its sovereignty, security, dignity and independence. As the Commission had indicated in Baghdad during the July meetings, it was the intention that the plans should be carried out in the same spirit as relevant international agreements in the field of arms control and disarmament. In the course of discussions, he recalled paragraph 25 of the report of the Secretary-General on the plan for the implementation of relevant parts of section C of Security Council resolution 687 (1991) (S/22614). That

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paragraph foresaw that, at an appropriate time, and after the entry into force of a Convention on the Prohibition of Chemical Weapons, the inspectorate envisaged in it might take over the function of monitoring and verification of compliance in the area of chemical weapons. This could now be seen as a long-term objective, the Council having decided in its resolution 715 (1991) that the Commission should continue as the body responsible for the implementation of the Secretary-General's plan for ongoing monitoring and verification.

5. During the working group meetings and the discussions between the Executive Chairman and the head of the Iraqi delegation, it was explained by the Commission that the implementation of the plans would be carried out in three stages. During the first stage, a monitoring and verification baseline would be established. This baseline would be constructed primarily upon the declarations made by Iraq. To the extent those declarations were found to be deficient, they would be complemented by the Commission through the addition of sites already designated or the designation of new sites. Such new designations would be made by the Chairman, as was the case under resolution 687 (1991). A finite number of facilities would be identified for each of the categories. Where inspections of a newly designated site did not establish any basis for adding that site to the list of facilities to be monitored, the Commission could not agree to the destruction of records of that inspection but would be prepared to seal records retained and to store them in an agreed place, from which they could be made available to the Commission should the Executive Chairman decide that a need had arisen to consult them again.

6. As an illustration, three types of sites for monitoring were mentioned:

(a) Core-sites (not applicable in the chemical or biological areas), where permitted but weapons-related activities were taking place, for example, sites already subject to interim monitoring;

(b) Sites earlier involved in the production of prohibited items (some destroyed);

(c) Dual-use sites.

7. Sites would be subject to an initial baseline inspection for the purpose of establishing a description of the facility and of obtaining information necessary for the planning and conduct of future monitoring inspections. Such inspections would entail a full survey of the site concerned and technical interviews with personnel for purposes restricted to the implementation of the plan. On this basis, some facilities would not be included in further regular monitoring activities (although further visits could not be excluded). The aim would be to focus monitoring and verification activities, on the basis of the findings of the survey, on as few critical points as possible consistent with effective monitoring. When baseline data had been established for a facility, a programme for ongoing monitoring or inspection would be decided upon by the Commission (normally comprising one, two or three visits per year). A copy of the "facility attachment" (inspection handbook for the facility), prepared as a result of the baseline inspection, would be provided to the Government of Iraq.

8. The second stage would consist of inspection visits carried out for the purpose of building confidence, verifying that activities conducted were

consistent with the information contained in Iraq's declarations and notifications, confirming data from the baseline inspection, identifying significant modifications or changes in the facilities and activities at the facility and making any necessary changes to the facility attachment. The inspection visits would be conducted as non-intrusive and cooperative monitoring activities, while maintaining the effectiveness of the monitoring regime. Upon completion of a routine inspection, one or more meetings would normally be held with the Iraq counterparts in which the Chief Inspector would present and explain the conclusions reached during the inspection. The Iraqi counterparts could present their written observations on those conclusions which would, if the counterparts so requested, be annexed to the inspection report. A copy of the inspection report, after submission to the Executive Chairman, would be provided to the Government of Iraq.

9. Inspectors would be employed on as wide a geographical basis as possible within the limitations of the particular expertise required for the area concerned. For example, in the chemical and biological area, increasing use would be made of experts drawn from civilian industry. All inspectors would be required to sign undertakings regarding confidentiality and non-disclosure of information obtained in the course of their official duties. These undertakings are the same as those which have been required from United Nations and IAEA staff and experts since the establishment of the Organizations. The undertakings continue to be binding after the person concerned has ended his or her employment with the United Nations or IAEA and are of indefinite duration.

10. It was explained that, when confidence was established, the ongoing monitoring and verification would enter into the third phase, which could lead to possible reduction of sites to be monitored and modification of the general provisions and of the annexes to the plans in the direction of existing relevant international agreements (see para. 4 above).

11. It was explained to the Iraqi side that consideration of the number of facilities to be subject to monitoring was dependent on Iraq's declarations and the assessments of the Commission. With regard to the chemical facilities, the Commission, on the basis of the data now available to it, considered that around two dozen facilities were a possibility. In the missile area, core sites and dual-use sites might add up to around a dozen. In the biological area, 6 to 10 sites might be considered for regular monitoring. Additional laboratories and research facilities conducting activities listed in paragraph 38 of the plan (S/22871/Rev.1) might require less frequent, and mainly information-exchange, visits. Inspections of such sites would be supplemented by occasional "spot check" inspections of other sites to ensure the completeness of the lists of sites subject to monitoring in accordance with the criteria for monitoring laid down in the plans. It was difficult at the present stage to assess the number of storage sites subject to visits, not monitoring. Such visits would, in any event, be infrequent.

12. Iraq reaffirmed its request for use of local means for aerial surveillance and technical support. However, the Executive Chairman indicated that the Commission must continue to make use of its own aerial capability for logistical and technical support purposes and for surveillance purposes. However, the latter would be with diminishing frequency as confidence-building measures bore fruit and as baseline surveys were completed. The designation of sites for

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aerial surveillance would continue, as at present, to be made by the Chairman and all flights would be tasked from the Office of the Executive Chairman. The use of local logistical and technical aerial and other support would be dependent upon the prevailing situation of confidence and the availability of adequate assets. The Commission was prepared to undertake a full survey of those assets to determine their technical adequacy and to enter into early discussions with the relevant Iraqi authorities for use, on a trial basis, of Iraqi helicopters for transportation from Baghdad to the Muthanna State Establishment. Those discussions, in the light of the experience gained, could be extended early in 1994 to the use of Iraqi aerial assets for other purposes.

13. The acceptance of the use of sensors for monitoring purposes by the Iraqi side was welcomed, but the Commission continued to reserve its right to use all means it considered necessary to accomplish its tasks, including the use of video cameras in aerial surveillance for the purposes explained to the Iraqi side in the working group on operational questions.

14. The Executive Chairman expressed the belief that the monitoring activities could start as soon as Iraq no longer objected to the implementation of the plans. Under the best possible circumstances, the first baseline inspections could begin shortly after 1 December 1993. Baseline and confidence-building phases were not necessarily completely sequential. The confidence-building stage could be phased in as soon as the first baseline inspections were concluded. The determination of when the implementation of the plans under resolution 715 (1991) had proceeded to the point where it could be said that monitoring and verification was up and running would depend upon the assessment of a number of inspection visits, although all baseline inspections need not necessarily have been carried out. A six-month period after the initiation of the first baseline inspection might be realistic.

15. The above paragraphs are intended as guidelines for the implementation of the plan for ongoing monitoring and verification. They will be reviewed regularly, taking into account the experience gained in the implementation of the plan and development of cooperation and confidence.

B. Ongoing monitoring and verification by IAEA

16. The sites that will be inspected by the nuclear team under the ongoing monitoring and verification programme are described in four categories as follows:

(a) Sites with a previous nuclear or nuclear-related mission (8 sites are identified);

(b) Sites that provided support to the previous nuclear programme (11 sites are identified);

(c) Sites that have capabilities useful to a reconstituted nuclear programme (4 sites are identified in addition to those referred to in para. 2 below);

(d) Sites, unidentified at this point, that may be designated for inspection as a result of new information (inspection results or third-party information).

Additional sites from declarations made by the Iraqi side are to be added to categories (b) or (c) as appropriate. Sites may be added to categories (a), (b) or (c) as a result of inspection findings throughout the course of the ongoing monitoring and verification programme.

17. Laboratories and research facilities that have capabilities potentially useful in reconstituting the nuclear weapons programme are not explicitly counted in the list of sites contained in category (c). They will be dealt with on an ad hoc, case-by-case basis to conduct the inspections in as non-intrusive a manner as possible.

18. Inspections at sites in category (a) will be routine. Inspections at sites in categories (b) and (c) will be a combination of announced and no-notice inspections. The situation involving inspections in category (d) is more complex. IAEA has the right under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991) to conduct no-notice inspections. This right is fundamental to the Agency's mandate to ensure no reconstitution of Iraq's nuclear-weapon capability. The Agency will exercise this right when (a) it assesses the information to be credible and when (b) the indicated nuclear weapons capability can be readily concealed or destroyed. The Agency will provide notice when the indicated activity at a new site is not of a time-sensitive nature. In the case that an inspection results in negative findings, the information, photographs and samples will be maintained in a confidential file and reviewed periodically for destruction.

19. Iraq is developing and plans to implement an accountancy system showing status, current location and utilization for all items listed in the declaration required under annex 3 of document S/22872/Rev.1. This accountancy system will provide the basis for a current declaration regarding those items at quarterly intervals. A facility attachment, describing detailed inspection protocols, will be developed for each of the sites in categories (a) to (c).

20. Technical means such as environmental samples (water, air vegetation, smears, etc.), gamma detectors, surveillance cameras and possibly others will be utilized in all types of inspections. A water-sampling regime, including sediments and biota, has already been established and is fully operational. Smear and vegetation samples will be collected as in the past but with much reduced frequency. No protocol has yet been established with respect to air sampling. Duplicate samples will be provided to the Iraqi side, at their request.

21. The protocol involving the use of surveillance cameras will be in accordance with nuclear material safeguards applications. The protocol for other technical means in the nuclear field has yet to be developed. All technical means will be applied in a cost effective way and Iraqi technical expertise will be utilized where possible.

22. Information resulting from the inspections will be carefully controlled to ensure that the information is not used for any purpose other than serving

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IAEA's mandate under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991). IAEA reserves the right to produce and distribute inspection reports and summaries as directed by the Security Council. The Agency encourages Iraq to share its own daily inspection reports, which will be appended to IAEA's daily inspection report and to comment independently on IAEA reports and official statements.

Annex III

Reports by the Special Commission and IAEA under
paragraph 22 of resolution 687 (1991)

1. During the high-level technical talks, the head of the delegation of Iraq explained that his Government wished to resolve immediately all matters considered by the Special Commission and IAEA to be outstanding relating to the implementation of paragraphs 8, 9, 11, 12 and 13 of Security Council resolution 687 (1991), so that the Commission and IAEA could so report to the Council under paragraph 22 of that resolution. At the same time, agreement should be reached with the Commission and IAEA, taking into account the concerns of Iraq, on the implementation of the plans for ongoing monitoring and verification, prepared pursuant to the requirements of paragraphs 10 and 13 of resolution 687 (1991). This would permit reporting of Iraqi compliance to the Council under paragraph 22 of resolution 687 (1991), so that, simultaneously with that reporting, the plans for ongoing monitoring and verification would be put into effect. There should be no overlapping of operations under section C of resolution 687 (1991) and under the plans for ongoing monitoring and verification approved by resolution 715 (1991). Furthermore, the Iraqi position is that there should be no further action under the plans for ongoing monitoring and verification until paragraph 22 is activated.

2. The Executive Chairman noted that, on several occasions, most recently during his visit to Baghdad in July 1993, he had indicated that the Commission "would be prepared to give an undertaking that it will report to the Security Council, under paragraph 22 of resolution 687 (1991), when it is satisfied that Iraq is in compliance with its obligations under paragraph 8, 9, 10, 11, 12 and 13 of that resolution" (S/26127, sect. I B, para. 7). In the course of the high-level technical talks, the Iraqi delegation was provided with a further elaboration of the requirements for a report by the Commission to the Council. In the nuclear area, similar requirements would apply to a report by the Director General of IAEA.

3. In reporting to the Council, the Commission and IAEA would be discharging their respective responsibilities to keep the Council informed of the stage reached in the implementation of the Council's resolutions, so as to provide it with an adequate basis for a determination that Iraq had completed all actions contemplated under the paragraphs of resolution 687 (1991) mentioned above. That determination would have to be made by the Council and would not be made without favourable final reports from the Commission and the Director General of IAEA. Furthermore, those final reports could be submitted only when the Commission and IAEA were satisfied that Iraq was in compliance, which included the requirement that the plans for ongoing monitoring and verification were up and running in a satisfactory manner.

4. In order to make the necessary reports, the Commission and IAEA would need to be satisfied that Iraq had provided all the necessary information on outstanding issues in relation to its prohibited programmes to constitute a full, final and complete disclosure, as called for in Security Council resolutions 687 (1991), 707 (1991) and 715 (1991), of all programmes to develop prohibited weapons and of all holdings of such weapons, their components,

production, research and development facilities and locations. Critical data on foreign suppliers and on past production activities had to be given by Iraq. The high-level technical talks had provided the opportunity to define with greater precision what information the Commission and IAEA required in respect of the programmes concerned. When all initial information was furnished, it would be assessed by the Commission and IAEA and, to the extent necessary, verified by independent inspection by the means deemed appropriate by the Commission and IAEA.

5. Given the fulfilment of Iraq's obligation to provide the information required on outstanding issues referred to in annex I, the Commission and IAEA intend to complete the identification phase of their work, under resolution 687 (1991), very probably before the end of December 1993. However, this would require Iraq to accept and facilitate imminent forthcoming inspection activities.

6. If the foregoing conditions were met, it was further explained that, shortly after December 1993, probably within about two months, if operations now under way proceeded according to plan, the destruction of Iraq's identified chemical weapons and precursors would have been completed and the irradiated uranium fuel now stored at Tuwaitha and Location B would have been removed from Iraq. The Special Commission and IAEA would, in the same time period, also take all necessary decisions concerning the release of items connected with prohibited programmes on which such decisions had been reserved.

7. There would then remain the initiation of the ongoing monitoring and verification required under paragraphs 10 and 13 of resolution 687 (1991), as elaborated upon in resolution 715 (1991) and in the plans approved thereunder, and the smooth functioning of such monitoring and verification. The Iraqi delegation was informed that, with the necessary cooperation, this should prove possible within a period of six months after receipt from Iraq of comprehensive declarations regarding all facilities that fell under the provisions of the plans.

8. The Executive Chairman considered that the high-level technical talks had indicated the possibility that, the necessary political will being demonstrated by the Government of Iraq, the foregoing conditions could be met.

9. The Commission must be accorded facilities it has repeatedly called for but been denied, particularly in the matter of use of Rasheed airfield by the Commission's fixed-wing aircraft and the conduct of aerial surveillance by both rotary- and fixed-wing aircraft pursuant to the relevant resolutions of the Council. For its part, the Iraqi side stated that it would extend its cooperation in the use of its own aircraft for transportation of Commission and IAEA personnel and equipment to Iraq, or when commercial air services are resumed. The Commission has asked the head of the delegation of Iraq to convey to his Government the Commission's requirement for the immediate activation of the cameras at Yawm Al Azim and Al Rafah. The head of the delegation will reply upon his return to Baghdad.
